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EXAMINER

HUFNAGEL, GEORGE F

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 06/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/661,447

Applicant(s)

MCINTOSH

Examiner

George F Hufnagel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152).
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Reference to a "Microfiche Appendix": See 37CFR 1.96(c) and MPEP § 608.05, if the application was filed before March 1, 2001. The total number of microfiche and the total number of frames should be specified. Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc and an incorporation by reference of the material on the compact disc.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems

previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.
- (l) Sequence Listing, if on paper: See 37 CFR 1.821-1.825.

1. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 7 and 11 - 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Laz.

Regarding claim 1, Laz discloses all of the elements of the claim, including a method (outlined in “The Six Levels of a Happy Marriage”) for enabling conflict resolution among two or more parties (for example, a husband and wife, Stu and Jamie, page 7), comprising providing a script (set of questions, on page 17) to be spoken by at least one of the two or more parties, the script including a plurality (ten) of phrases (“How do I feel ...?”), each phrase corresponding to the beginning of a respective statement (the statement, “How I feel ...”, in the section titled “Feeling Are Feelings; Critical Is Critical”, on page 15), positioning a portable object (“a surprise candlelight dinner”, page 7, paragraph 2, third sentence) at a location (their home) for the two or more parties to physically position themselves with respect to the portable object for engaging in a discussion, extending an invitation (“Let’s Eat.”, page 23, paragraph 3) by a first party to at least one second party for physically positioning themselves (“Sit together with your spouse”, page 17, guideline 3) at said location in close proximity to the positioned

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portable object, initiating a discussion ("The point is to share your feelings", page 17, guideline 4) corresponding to the script by the first party at said location, and engaging the second party in a discourse ("in your own words, tell each other what you wrote", page 17, guideline 4) that relates to the conflict from the perspective of the first party ("answer one of the questions below", all beginning with the phrase "How Do I Feel ... ?", page 17, guideline 1), and continuing the discussion according to the script, with each of the remaining parties speaking ("read each other's letter", page 17, guideline 3) in sequence (first one spouse, then the other) each of the plurality of phrases together with respective additional discourse ("Stick to expressing your feelings, not judgements or opinions.", page 17, guideline 4) that relates to the conflict from the perspective of the speaking party, while the parties remain at the location, to encourage respectful and safe behavior.

Regarding claim 2, Laz discloses all of the elements of the claim, including a method further comprising developing a plan ("Every day, answer one of the questions below", page 33, the section titled "How do I Feel ... ?") accomplished by mutual encouragement ("Both partners have to be engaged in the serious business of making the marriage work.", page 14, paragraph 1, sentence 2) to further discuss ("Sit down with your spouse and read each other's letter.", page 33, the section titled "How do I Feel ... ?") the conflict and to explore ("in your own words, tell each other what you wrote.", page 33, the section titled "How do I Feel ... ?") how the two or more parties could attain improved inter-parties relations ("Both partners have to be engaged in the serious business of making the marriage work. This can only be done through knowing

and revealing myself – slowly and gradually.”, page 14, paragraph 1, sentences 2 and 3).

Regarding claim 3, Laz discloses all of the elements of the claim, including a method wherein said discussion includes articulating (“Separately, write your answer to the chosen question”, page 33, the section titled “How do I Feel ... ?”) a mutually agreeable plan (“Every day, answer one of the questions below”, page 33, the section titled “How do I Feel ... ?”) for achieving said improved inter-party relations.

Regarding claim 4, Laz discloses all of the elements of the claim, including a method wherein the plurality of statements includes a first statement (comprised of the statement the speakers’ spouse has written in response to the question “How do I feel when you respond to my sexual advances?”, page 33, the section titled “How do I Feel ... ?”, ninth day) describing an action (response) taken by one of the parties not the speaker, a second statement (comprised of the statement the speaker has written in response to the question “How do I feel when I make sexual advances to you?”, page 33, the section titled “How do I Feel ... ?”, tenth day) describing a feeling on the part of the speaker as to the effect the action had on the speaker at the time the action occurred, and a third statement (comprised of the statement the speaker has written in response to the question “How do I feel about discussing our sexual life?”, page 33, the section titled “How do I Feel ... ?”, sixth day) describing a request (for information regarding sexual contact) on the part of the speaker to the perpetrator of the action in connection with the action.

Regarding claim 5, Laz discloses all of the elements of the claim, including a method further comprising the step of celebrating (by performing one of the hundred ways “for expressing love” listed on pages 30 – 33) the mutually agreeable plan by displaying a symbolic gesture (for example, “Buy you flowers” and “Fix you supper”, page 30) of camaraderie.

Regarding claim 6, Laz discloses all of the elements of the claim, including a method wherein the plurality of phrases includes a first phrase, “When you...” (“when you massage my back with your tender touch.”, page 28, the section titled “Sex Is Honesty”, paragraph 5, sentence 3), a second phrase, “I felt...” (“I felt like a vagabond.”, page 45, paragraph 6, first sentence), and a third phrase, “and I need...” (“In her letter to Earl, Fran wrote: “I need the companionship of my husband.”, page 43, paragraph 5, sentence 5).

Regarding claim 7, Laz discloses all of the elements of the claim, including a method wherein the plurality of statements includes a first statement (comprised of the statement the speakers’ spouse has written in response to the question “How do I feel when you respond to my sexual advances?”, page 33, the section titled “How do I Feel ... ?”, ninth day) describing an action (response) taken by one of the parties not a speaker, a second statement (comprised of the statement the speaker has written in response to the question “How do I feel when I make sexual advances to you?”, page 33, the section titled “How do I Feel ... ?”, tenth day) describing a feeling on the part of the speaker as to the effect the action had on the speaker at the time the action



occurred, and a third statement (comprised of the statement the speaker has written in response to the question “How do I feel about discussing our sexual life?”, page 33, the section titled “How do I Feel ... ?”, sixth day) describing a request (for information regarding sexual contact) on the part of the speaker, directed to said one of the parties not the speaker, in connection with the action.

Regarding claim 11, Laz discloses all of the elements of the claim, including a method (outlined in “The Six Levels of a Happy Marriage”) for enabling a conflict resolution process to be conducted by two or more parties (for example, a husband and wife, Stu and Jamie, page 7) in mutual conflict (argument described on pages 7 – 10) who have positioned themselves (“Sit together with your spouse”, page 17, guideline 3) in proximity to a conflict resolution area (the dining room in their home), said two or more parties having been pre-instructed as to a script (section titled “How Do I Feel ... ?”, page 17) and a set of instructions (simple guidelines 1 – 4, in the section titled “A Question Of Feelings”, page 17, paragraphs 1 – 4) to be followed in connection with said script, the method comprising speaking (“tell each other what you wrote”, guideline 4, in the section titled “A Question Of Feelings”, page 17, paragraph 4) by one (a spouse) of the two or more parties to another of the two or more parties (the other spouse) a set of statements according to the script and the set of instructions, and repeating said speaking by each remaining party (“tell each other what you wrote”, guideline 4, in the section titled “A Question Of Feelings”, page 17, paragraph 4) of the two or more parties until all parties present have spoken while remaining in proximity to the conflict resolution area to encourage respectful and safe behavior.

Regarding claim 12, Laz discloses all of the elements of the claim, including a method further comprising developing a plan (“Every day, answer one of the questions below”, page 33, the section titled “How do I Feel ... ?”) accomplished by mutual encouragement (“Both partners have to be engaged in the serious business of making the marriage work.”, page 14, paragraph 1, sentence 2) of each of the two or more parties to further discuss (“Sit down with your spouse and read each other’s letter.”, page 33, the section titled “How do I Feel ... ?”) the conflict and explore (“in your own words, tell each other what you wrote.”, page 33, the section titled “How do I Feel ... ?”) how said two or more parties could attain improved inter-parties relations (“Both partners have to be engaged in the serious business of making the marriage work. This can only be done through knowing and revealing myself – slowly and gradually.”, page 14, paragraph 1, sentences 2 and 3).

Regarding claim 13, Laz discloses all of the elements of the claim, including a method further comprising articulating (“Separately, write your answer to the chosen question”, page 33, the section titled “How do I Feel ... ?”) a mutually agreeable plan (“Every day, answer one of the questions below”, page 33, the section titled “How do I Feel ... ?”) for achieving said improved inter-parties relations.

Regarding claim 14, Laz discloses all of the elements of the claim, including a method further comprising the step of celebrating (by performing one of the hundred ways “for expressing love” listed on pages 30 – 33) the mutually agreeable plan by

displaying a symbolic gesture (for example, “Buy you flowers” and “Fix you supper”, page 30) of camaraderie.

Regarding claim 15, Laz discloses all of the elements of the claim, including a method wherein the set of statements includes a first statement (comprised of the statement the speakers' spouse has written in response to the question “How do I feel when you respond to my sexual advances?”, page 33, the section titled “How do I Feel ... ?”, ninth day) describing an action (response) taken by one of the parties not a speaker, a second statement (comprised of the statement the speaker has written in response to the question “How do I feel when I make sexual advances to you?”, page 33, the section titled “How do I Feel ... ?”, tenth day) describing a feeling on the part of the speaker as to the effect the action had on the speaker at the time the action occurred, and a third statement (comprised of the statement the speaker has written in response to the question “How do I feel about discussing our sexual life?”, page 33, the section titled “How do I Feel ... ?”, sixth day) describing a request (for information regarding sexual contact) on the part of the speaker, directed to said one of the parties not the speaker, in connection with the action.

Regarding claim 16, Laz discloses all of the elements of the claim, including a kit (the book “The Six Levels of a Happy Marriage”, paper and writing utensils, “Writing helps you to reflect as your words go down on paper”, page 16, section titled “A Question of Feelings”, paragraph 2, sentence 2) for enabling conflict resolution among two or more parties comprising a portable object (“a surprise candlelight dinner”, page 7, paragraph 2, sentence 3) said portable object adapted (with candlelight) to be used

as a physical and symbolic focus for convening a conflict resolution discussion, and a set of instructions (guidelines 1 – 4, page 17) for use in association with said portable object, to encourage (“To get as much as you can out of writing and sharing”, page 16, last paragraph) participants involved in a mutual conflict to encourage each other (“Writing helps you see inside yourself. It also helps you to share yourself with your loved one.”, page 16, paragraph 7, sentences 6 – 7) to physically convene (“Sit down with your spouse”, page 33, the section titled “How do I Feel ... ?”) around the portable object and mutually encourage each other (“read each other’s letter.”, page 33, the section titled “How do I Feel ... ?”) to reach a resolution (“Married love means putting the other person first.”, page 10, paragraph 2, first sentence) to the conflict.

Regarding claim 17, Laz discloses all of the elements of the claim, including a kit wherein the set of instructions include a plurality of statements including a first statement (comprised of the statement the speakers’ spouse has written in response to the question “How do I feel when you respond to my sexual advances?”, page 33, the section titled “How do I Feel ... ?”, ninth day) describing an action (response) taken by one of the parties not the speaker, a second statement (comprised of the statement the speaker has written in response to the question “How do I feel when I make sexual advances to you?”, page 33, the section titled “How do I Feel ... ?”, tenth day) describing a feeling on the part of the speaker as to the effect the action had on the speaker at the time the action occurred, and a third statement (comprised of the statement the speaker has written in response to the question “How do I feel about discussing our sexual life?”, page 33, the section titled “How do I Feel ... ?”, sixth day)

describing a request (for information regarding sexual contact) on the part of the speaker to the perpetrator of the action in connection with the action.

Regarding claim 18, Laz discloses all of the elements of the claim, including a kit wherein the first statement begins with the phrase, "When you..." ("when you massage my back with your tender touch.", page 28, the section titled "Sex Is Honesty", paragraph 5, sentence 3), the second statement begins with the phrase, "I felt..." ("I felt like a vagabond.", page 45, paragraph 6, first sentence), and the third statement begins with, "And I need..." ("In her letter to Earl, Fran wrote: "I need the companionship of my husband.", page 43, paragraph 5, sentence 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laz, in view of Gaither.

Regarding claim 19, Laz discloses all of the elements of the claim, but for a kit further comprising a container configured to house the portable object and instructions and to enable the portable object to be carried to various site locations. However, Gaither teaches a kit ("Traveling Friendship Basket", shown and described on page 170) further comprising a container (a large, inexpensive basket) configured to house

the portable object and instructions and to enable the portable object to be carried (by the handle) to various site locations. Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of the claimed invention, in view of Gaither, to have a kit further comprising a container configured to house the portable object and instructions and to enable the portable object to be carried to various site locations, for the purpose of providing "a good way to 'reach out and touch' each other in friendship", first paragraph, first sentence, page 170).

#### ***Allowable Subject Matter***

4. Claims 8 – 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George F Hufnagel whose telephone number is 703-605-1235. The examiner can normally be reached on Mon - Fri 7:30 am - 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding

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should be directed to the receptionist whose telephone number is 703-872-9301.

GFH

June 2, 2002

A handwritten signature in black ink, appearing to read 'DHB', with a large, sweeping loop on the left side.

**DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700**